

REMARKS

Summary of Changes Made

The undersigned would like to thank Examiner John Pak for his time on the telephone several times over a period of months, most recently 29 October 2008, to discuss various issues of the application.

The application was filed with 11 claims. Claims numbering up to 30 were added, and claims 9-11 were canceled. Presently, claims 1, 2, and 22 have been amended to clarify that, when a mixture of maltodextrins is used, the dextrose equivalent of the mixture is between 5 and 20. Further, claim 28 has been amended to recite that the temperature is gradually raised to the boiling point.

Accordingly, claims 1-8 and 12-30 (27 claims) remain pending in the application. No new matter is added by this amendment.

Claim Rejections – 35 U.S.C. 112, First Paragraph

The Examiner rejects all pending claims 1-8 and 12-30 under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. The Examiner believes that the claims as most recently amended do not find support in the specification.

In particular, the Examiner points out that the independent claims (1, 2, and 22) lack a clear statement that the dextrose equivalent of the mixture must be between 5 and 20. Further, the Examiner believes that the scope of new claim 28 is improper as it recites “raising the temperature to the solution boiling point,” while the specification allegedly teaches that the temperature is gradually raised to the boiling point.

The Examiner will note that claims 1, 2, and 22 have been amended to clarify that, when a mixture of maltodextrins is used, the dextrose equivalent of the mixture is between 5 and 20. Further, claim 28 has been amended to recite that the temperature is gradually raised to the boiling point.

Based on the foregoing, Applicants respectfully request withdrawal of the rejection.

No Outstanding Rejections

Applicants respectfully point out that no rejections under any section of Title 35, U.S. Code, and no objections under Title 37 of the Code of Federal Regulations remain. Therefore, it is believed that all pending claims, 1-8 and 12-30 are patentable, and in condition for allowance as presently set forth in this paper.

CONCLUSION

Based on the foregoing, the Applicants respectfully request entry of the instant amendment and a Notice of Allowability for claims 1-8 and 12-30. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application. If there are any additional fees resulting from this communication, please charge the same to our Deposit Account No. 18-0160, our Order No. GIL-15940.

Respectfully submitted,

RANKIN, HILL & CLARK LLP

By \ Christopher J. Korff \
Kenneth A. Clark, Reg. No. 32,119
Christopher J. Korff, Reg. No. 55,342

925 Euclid Avenue, Suite 700
Cleveland, Ohio 44115-1405
(216) 566-9700
docketing@rankinhill.com